



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 1/9/07

Signature: 

(Richard J. Boos)

Docket No.: BECTON 3.0 -019  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Bachur et al.

Application No.: 09/892,061

Confirmation No.: 1747

Filed: June 26, 2001

Art Unit: 1744

For: SYSTEM AND METHOD FOR OPTICALLY  
MONITORING THE CONCENTRATION OF  
A GAS OR THE PRESSURE, IN A  
SAMPLE VIAL TO DETECT SAMPLE  
GROWTH

Examiner: W. H. Beisner

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. We, Nicholas R. Bachur, Jr., Patrick S. Beaty and Timothy G. Foley, are the inventors of the above-identified pending U.S. Patent Application No. 09/892,061, filed in the United States Patent and Trademark Office on June 26, 2001.

2. This declaration is a supplement to our declaration dated March 21, 2006.

3. Specifically, the tunable laser referred to in the declaration was a monomodal DFB infrared diode laser that was tuned to emit radiation at a substantially single wavelength that was in the 2.004 micron band.

4. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may

jeopardize the validity of the application or any patent issuing thereon.

2/JAN/06 <sup>07 NRE 31 JAN/07</sup>  
Date

3/JAN/2007  
Date

2/JAN/07  
Date

Nicholas R. Bachur, Jr.  
NICHOLAS R. BACHUR, JR.

Patrick S. Beaty  
PATRICK S. BEATY

Timothy G. Foley, Jr.  
TIMOTHY G. FOLEY, Jr.

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